

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

P&M SERVICES, INC., )  
Plaintiff )

CIVIL ACTION NO. 04-40173-FDS  
(BBO #633929)

v. )

ANDRE LAVALLEE, )  
Defendant )

**MOTION FOR LEAVE TO FILE REPLY BRIEF**

Now comes defendant, Andre Lavallee ("Lavallee"), and moves this court for leave to file a reply brief in support of his Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). In support of this motion, Lavallee states that his reply brief will assist the court in reaching a decision on the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, defendant Andre Lavallee respectfully requests that this Court grant him leave to file the reply brief enclosed herewith in support of his Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).

ANDRE LAVALLEE  
By his attorneys,

/s/James P. Hoban

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and

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October 29, 2004

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(A)(2), I, James P. Hoban, local counsel for defendant Andre Lavallee ("Lavallee"), hereby certify that in an attempt in good faith to resolve or narrow the issues which are the subject of the Motion for Leave to File Reply Brief, I participated in a telephone conference call with Seth Rodack, Michigan counsel for Lavallee, and Mark Demorest, Michigan counsel for P&M Services, Inc. ("P&M"), on October 28, 2004. I also spoke with local counsel for P&M, J. Kevin Grogan, on October 28, 2004, by telephone. However, the parties were unable to reach agreement on the Motion for Leave to File Reply Brief or narrow the areas of disagreement.

/s/James P. Hoban  
James P. Hoban